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Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 23 August 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

As Israel, the occupying Power, continues to wage its military campaign and to carry out its illegal policies and practices against the Palestinian people, living conditions and the situation on the ground throughout the Occupied Palestinian Territory, including East Jerusalem, continue to deteriorate, compounding the already dire humanitarian crisis. The occupying Power also continues to wage a campaign of brutal oppression against the thousands of Palestinian civilians it continues to detain or imprison, whose conditions continue to be a matter of grave concern.

As conveyed in our letter of 19 August 2004, more than 2,000 of the Palestinian detainees and prisoners are continuing their hunger strike in a non-violent protest of the deplorable conditions and treatment to which they are being subjected at the hands of the occupying Power. The hunger strike was undertaken more than a week ago by the detainees and prisoners to draw attention to the inhumane and humiliating conditions in which they are being held with the aim of securing from the Israeli occupying forces more humane conditions and treatment, including, inter alia, the right to family visits, an end to arbitrary and indiscriminate beatings, an end to prolonged periods of solitary confinement and isolation and access to adequate health care and medical treatment.

The immediate response of the occupying Power to the hunger strike has further aggravated and inflamed the situation. Israel's Public Security Minister, Tzachi Hangebi, has been quoted as callously stating, "The prisoners can strike for a day, a month, even starve to death, as far as I am concerned. We will ward off this strike and it will be as if it never happened." He emphasized that he has no intention of easing the conditions being protested. Indeed, on the contrary, Israel's response to the strike has been the imposition of even more restrictions on the detainees and prisoners, including the removal of radios and televisions, denial of access to newspapers and cancellation of family visits, and several more of the detainees have now been placed into solitary confinement.

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Since September 2000, the Israeli occupying forces have been carrying out raids and arbitrary arrests of Palestinian civilians throughout the Occupied Palestinian Territory on an almost daily basis, with a constant fluctuation in the number of Palestinians being held by the occupying Power at any one point. Currently, more than 7,000 Palestinian civilians are being confined in Israeli military detention centres, prison camps and jails, including many women and children. In this regard, the latest figures indicate that there are currently 380 Palestinian children under the age of 18 years old and 106 Palestinian women, 20 of them mothers, being held in Israeli detention centres and prisons. The Palestinian detainees and prisoners are being illegally held by the occupying Power, the majority of them without charge or trial and without access to legal assistance or their families. They are being held in unhygienic and unsanitary conditions and are being subjected to degrading, inhumane and brutal treatment, including physical and psychological harassment, punishment and abuse and, in many cases, even torture. Moreover, the occupying Power routinely illegally transfers Palestinian detainees and prisoners in the occupied Palestinian territory to centres and prisons in Israel, leaving their families and lawyers without any knowledge of their location.

All such policies and practices by Israel, the occupying Power, are being carried out in grave violation of its obligations under international law, including in particular international humanitarian law and human rights law. In this regard, it is imperative to recall that, in accordance with article 76 of the Fourth Geneva Convention, which is applicable to the Occupied Palestinian Territory, including East Jerusalem, "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country. They shall receive the medical attention required by their state of health. They shall also have the right to receive any spiritual assistance which they may require. Women shall be confined in separate quarters and shall be under the direct supervision of women. Proper regard shall be paid to the special treatment due to minors. Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143. Such persons shall have the right to receive at least one relief parcel monthly." In addition to the flagrant violation of the Fourth Geneva Convention, the actions of the occupying Power in this regard are in violation of relevant provisions of the International Covenant on Civil and Political Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

The international community must undertake concerted efforts to ensure that Israel, the occupying Power, abides by all of its legal obligations under international law, including its obligations vis-à-vis the thousands of Palestinian civilians it continues to detain and imprison. The occupying Power must ensure adequate food, hygiene and sanitation for the detainees and prisoners, must completely cease all acts of physical abuse, harassment and torture of detainees and prisoners, must ensure them access to their families and lawyers and must ensure the access of international medical and humanitarian organizations to monitor their well-being and provide assistance.

This letter is in follow-up to our previous 197 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 19 August 2004 (A/ES-10/277-S/2004/668), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations A/ES-10/279–S/2004/719

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7 September 2004

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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 7 September 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

In grave breach of international law, including international humanitarian law, Israel, the occupying Power, continues to use excessive and indiscriminate force to launch lethal military attacks against the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem. In the early morning hours of today (Palestine time), the Israeli occupying forces carried out yet another deadly missile attack in the densely populated neighbourhood of Sl.ijaia in Gaza City, a neighbourhood that has already suffered vast losses in terms of both human life and property as a result of the Israeli military campaign that continues to be waged against the Palestinian people. Helicopter gunships backed by Israeli tanks fired more than five missiles into a sports field, killing 15 Palestinian civilians. Israeli occupying forces claimed that they had "targeted a training camp". In addition to those killed, at least 40 other Palestinians were wounded, 5 of whom are in critical condition. The high number of casualties overwhelmed the capacity of Gaza's main hospital to treat and care for the wounded.

Today's deadly missile attack follows last week's raid by the Israeli occupying forces in the town of Deir Al-Balah, in Gaza, in which four Palestinians were killed, including a 15-year-old boy, Mohammed Jamal Abu Musbeh. In addition to the killings, more than 52 other Palestinian civilians were injured in that raid. The Israeli occupying forces also destroyed another Palestinian home, damaged 20 others and razed at least 12 dunums of agricultural land.

Tragically, the toll of death and destruction throughout the Occupied Palestinian Territory, including East Jerusalem, continues to rise almost daily and the situation on the ground continues to deteriorate as Israel continues to pursue all of its illegal policies and practices against the Palestinian people. Such ongoing illegal Israeli policies and practices, including the continued construction of illegal settlements and the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, constitute serious violations and grave breaches of international law, including the Fourth Geneva Convention. The international

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community must address and continue to act to bring an end to all Israeli actions against the Palestinian people and to ensure Israel's compliance with international law and its obligations as an occupying Power.

This letter is in follow-up to our previous 198 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 24 August 2004 (A/ES-10/278-S/2004/673), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my deepest regret to inform you that, since 18 August 2004, at least 34 more Palestinians, including 8 children, have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,213 Palestinians. (The names of the martyrs who have been identified are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador, Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 7 September 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Friday, 20 August-Tuesday, 7 September 2004)

Friday, 20 August 2004

Mohammed Abdullah Al-Hamaydeh (died from wounds sustained on 19 August 2004)

Saturday, 21 August 2004

Na'el Khalil Abu Gholeh

Sunday, 22 August 2004

Hussein Said Khalil Al-Ga'baari (died from wounds sustained on 18 August 2004)

Monday, 23 August 2004

Hazem Fuad Abu Zahri

Tuesday, 24 August 2004

Kamel Hassan Moussa Al-Astal

Friday, 27 August 2004

Jadou'a Ahadeel Al-Kurd (died from wounds sustained on 26 August 2004)

Sunday, 29 August 2004

Salameh Eid Muqbel Al-Sawarkeh

Monday, 30 August 2004

1. Aicha Mohammed Hamad Al-Zibin
2. Hasnah Ahmed Salem Abu Fardeh
3. Yasser Abdel Rahman Al-Najjar

Tuesday, 31 August 2004

Mazen Majed Al-Agha (14 years old)

Thursday, 2 September 2004

1. Mohammed Jamal Abdel Karim Barakah
2. Mohammed Jamal Abu Musbeh (15 years old)

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,213.

3. Ahmed Ammer Abu Shaweesh
4. Shadi Samer Abu Ghurab (18 years old)

Friday, 3 September 2004

1. Mohammed Ramadan Al-Jaro (18 years old)
2. Munir Shabaan Al-Sindi (16 years old)

Saturday, 4 September 2004

Wissam Mohammed Abu Zaekeh (died from wounds sustained on 30 August 2004)

Tuesday, 7 September 2004

1. Ghasan Mohammed Obeid (18 years old)
2. Ayman Khaza'a Farahat (18 years old)
3. Fares Saidi Al-Sarsawi
4. Mohammed Abdallah Qanou'a
5. Ehab Mohammed Al-Deeb
6. Osama Awni Hijeleh
7. Said Yasser Odeh
8. Mutasam Fouad Al-Zirbatli
9. Mohammed Antar Jindeyeh
10. Aref Qasem
11. Mohammed Ibrahim
12. Adham Karim Qereqa'a
13. Bilal Zuhdi
14. Ahmed Khairy Iskafi
15. Ezat Ahmed Al-Wadeyeh
16. Yussef Abu Libdeh (18 years old; died from wounds sustained on 19 June 2004)